

ARGUMENTS/REMARKS

Applicant would like to thank the examiner for the careful consideration given the present application, and for the personal interview conducted on February 28, 2005. The application has been carefully reviewed in light of the Office action and the interview, and this response generated.

Claims 14, 16, 20-27, and 32-59 remain in this application. Claims 1-13, 15, 17-19 and 28-31 have been canceled.

Applicant's representative notes that the claim language was discussed at the personal interview in detail. The Examiner indicated concern that the phrase "the content of" is overly broad and suggested that applicant clarify the relationship between the second audio signal, its "content" and the device status. Accordingly, applicant's representative is discussing possible claim amendments with applicant. However, because applicant's representative believes that the existing claim language does not read on the cited references, arguments to that effect are provided in this response. Claim amendments resulting from the interview, if any, will be provided in a forthcoming amendment.

Claims 14, 26, 27, 36 and 50 were rejected under 35 U.S.C. §102(a) as being anticipated by Bisgaard (WO 00/41440). Claims 16 and 20-21 were rejected as being unpatentable over Bisgaard. Claims 22-25, 32-35, 376-49 and 51-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bisgaard in view of Single (WO 97/01314) For the following reasons, the rejections are respectfully traversed.

As discussed at the personal interview, claim 14 recites a step of "applying to an output converter at least one second electrical signal representing at least one second audio signal of predetermined duration for notifying the user of a status of said hearing device" and a step of "selecting the content of said second audio signal by said individual". Thus, the status notification signal content is user-selectable.

Similarly, claims 26, 27, 36, and 50 all recite user-selectable signals.

At the personal interview, the Examiner and applicant discussed the issue of the user being able to select an audio signal that is used by the device to notify of the user of a status of the device. Applicant's representative argued that this feature was not shown in the cited prior art, and the Examiner appeared to agree. Instead, Bisgaard merely appears to suggest the ability to extent a subscription period by entering reactivation signals (page 4-5) and indicating to the user when a subscription period is about to expire (page 12). Nowhere, however, does the reference suggest user selection of an audio signal for notifying the user of a status of the device. Single does not overcome the Bisgaard shortcomings.

Furthermore, none of the references suggest storing any *status messages* in "user exchangeable storage" as recited in claim 26, and thus claim 26 is patentable over the references for that reason as well.

Claim 36 recites "initiating an acknowledgement audio signal" wherein "said acknowledgement audio signal is made selectable by the individual". As discussed for claim 14, above, the cited references do not suggest user selectable audio signals for status indications nor, for this claim, for acknowledgement audio signals. Hence, new claim 36 is patentable over the references.

Claim 50 recites similar "user selectable" stored signals at lines 9-10, and thus claim 50 is patentable over the references for the same reasons discussed above. Claims 51-59, which depend, directly or indirectly, on claim 50, are patentable for the same reasons (as well as for the limitations contained therein).

Thus, the above claims are patentable over the references. The remaining claims, which depend, directly or indirectly, upon one of the above claims, are thus patentable over the references for at least the same reasons as their parent claims.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application. If there are any additional fees

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resulting from this communication, please charge same to our Deposit Account No.
16-0820, our Order No. 33270.

Respectfully submitted,

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